

IN THE UNITED STATES PATENT OFFICE

In Re Patent Application of:)	
)	
Jankov et al.)	Examiner: Wood, David L.
)	
Application No.: 10/810,176)	Art Unit: 3695
)	
Filed: November 15, 2005)	Confirmation No.: 8012
)	
Patent No.: 7,685,039)	
)	
Issue Date: March 23, 2010)	
)	
For: COST-BASED TECHNOLOGY)	
AND MANUFACTURING EXCHANGE)	

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(d)

Sir:

Applicant ("Petitioner") hereby petitions for the Patent Term Adjustment (PTA) to be corrected to **2563** days from the current Patent Term Adjustment of **1708** days. This adjustment is requested pursuant to 37 CFR §§ 1.703(a) through (f) and § 1.702 for the reasons explained in the Statement of Facts listed below.

STATEMENT OF FACTS

The instant application was filed March 26, 2004 and the first Action issued by the Patent Office was not mailed until June 3, 2009. Pursuant to 37 CFR § 1.702(a)(1) Applicant is entitled to **1470** days of Patent Term Adjustment while the Patent Office has only granted **669** days of Patent Term Adjustment for this Patent Office delay in providing a First Office Action, resulting in a net addition to the PTA of **801** days (1470-669).

The Patent Office has incorrectly debited the PTA 54 days for Applicant delays from the time period of June 29, 2009 to January 29, 2010. During this time period applicant caused no delays in the prosecution of this application pursuant to 37 CFR §1.704. The restriction requirement mailed by the Patent Office on June 4, 2009 was timely responded to by Applicant on June 10, 2009; the Non-Final Rejection mailed by the Patent Office on July 31, 2009 was

timely responded to by Applicant on August 12, 2009; the Notices of Allowance mailed by the Patent Office on December 29, 2009 and January 28, 2010 were timely responded to by Applicant by the Issue Fee payment of January 29, 2010. The applicant should be awarded the 54 days of PTA that it was incorrectly denied.

The total adjustment to the PTA due to applicant is **855** days (801 + 54). The corrected total PTA should be **2563** days.

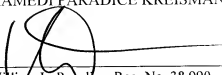
Petitioner respectfully requests that this petition be granted and that notification of same be sent to the undersigned at the address below.

The Commissioner is hereby authorized to charge deposit account 50-1914 for the fee of \$200 pursuant to CFR § 1.18(e) due in connection with this petition.

Respectfully submitted,

MAHAMEDI PARADICE KREISMAN LLP

Date April 16, 2010



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